

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KYRA CANNING,)	
)	
Plaintiff,)	
)	
v.)	
)	Lead Civil Action No. 3:20-cv-401
WILLIAM SMITH et al.,)	(JAG)
)	
Defendants.)	
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)	
JARROD BLACKWOOD, et al.,)	
)	
Consolidated Plaintiffs,)	
)	
v.)	
)	
JOHN/JANE DOES I-X et al.)	
)	
Consolidated Defendants.)	
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**DEFENDANT WILLIAM SMITH’S MOTION TO DISMISS
PLAINTIFF KYRA CANNING’S FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant William Smith (“Chief Smith”), by and through the undersigned counsel, respectfully moves this Court to dismiss Plaintiff Kyra Canning’s (“Ms. Canning” or “Plaintiff”) First Amended Complaint against him with prejudice. Despite amending her original Complaint to address the deficiencies Chief Smith raised in his Motion to Dismiss Plaintiff Canning’s Complaint (ECF No. 34), Ms. Canning’s First Amended Complaint again fails to state a claim against Chief Smith upon which relief can be granted. In support of this Motion, Chief Smith submits his Memorandum of Law that was filed contemporaneously with this Motion.

WHEREFORE, Chief Smith, by counsel, respectfully requests that this Court grant this Motion and dismiss Plaintiff's First Amended Complaint against Chief Smith with prejudice because there are no set of operative facts that cure the defects in Counts II, III, IV and V.

Respectfully submitted,

By: /s/ Steven D. Brown
Steven D. Brown (VSB No. 42511)
Lindsey A. Strachan (VSB No. 84506)
IslerDare P.C.
1111 East Main Street, Suite 1605
Richmond, Virginia 23219
Telephone: (804) 489-5500
Facsimile: (804) 234-8234
Email: sbrown@islerdare.com
Email: lstrachan@islerdare.com

Counsel for Defendant William Smith

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October 2020, I electronically filed the foregoing Defendant William Smith's Motion to Dismiss Plaintiff Kyra Canning's First Amended Complaint using the Court's CM/ECF filing system, which will provide notice of the filing of this document to the following counsel of record:

Seth R Carroll, Esq.
Connor Scott Bleakley, Esq.
Mark Dennis Dix, Esq.
Commonwealth Law Group
3311 W Broad Street
Richmond, Virginia 23230
(804) 977-1320
Fax: (866) 238-6415
Email: scarroll@hurtinva.com
Email: cbleakley@hurtinva.com
Email: mdix@hurtinva.com

Jonathan Eric Halperin, Esq.
Andrew Lucchetti, Esq.
Isaac A. McBeth, Esq.
Halperin Law Center
5225 Hickory Park Drive, Suite B
Glen Allen, Virginia 23059
804-527-0100
Fax: 866-335-1502
Email: jonathan@hlc.law
Email: andrew@hlc.law
Email: isaac@hlc.law

Counsel for Plaintiff Kyra Canning

Thomas Hunt Roberts, Esq.
Andrew Thomas Bodoh, Esq.
Thomas H. Roberts & Associates PC
105 South First Street, Suite A
Richmond, Virginia 23219
(804) 783-2000
Fax: (804) 783-2105
Email: thr@robertslaw.org
Email: andrew.bodoh@robertslaw.org

*Counsel for Consolidated
Plaintiffs Jarrod Blackwood,
Megan Blackwood, Ryan Tagg,
Christopher Gayler, and Keenan Angel*

By: /s/ Steven D. Brown
Steven D. Brown (VSB No. 42511)
Lindsey A. Strachan (VSB No. 84506)
IslerDare P.C.
1111 East Main Street, Suite 1605
Richmond, Virginia 23219
Telephone: (804) 489-5500
Facsimile: (804) 234-8234
Email: sbrown@islerdare.com
Email: lstrachan@islerdare.com

Counsel for Defendant William Smith